

ESTTA Tracking number: **ESTTA493562**

Filing date: **09/10/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	BBH Partners LLP
Granted to Date of previous extension	09/09/2012
Address	60 Kingly Street London, W185DS UNITED KINGDOM

Domestic Representative	Jeffrey C. Katz Attorneys for Opposer Davis & Gilbert LLP 1740 Broadway New York, NY 10019 UNITED STATES jkatz@dglaw.com, tsuhay@dglaw.com, chinton@dglaw.com, trademarks@dglaw.com Phone:2124684800
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Applicant Information

Application No	85434348	Publication date	03/13/2012
Opposition Filing Date	09/10/2012	Opposition Period Ends	09/09/2012
Applicant	Edward Hall 252 W. Cottage Ave. Sandy, UT 84070 UNITED STATES		

Goods/Services Affected by Opposition

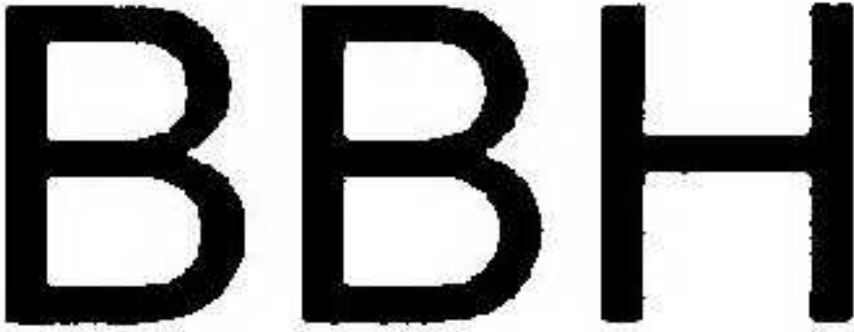
Class 035. All goods and services in the class are opposed, namely: Advertising and marketing
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3933718	Application Date	11/02/2007
Registration Date	03/22/2011	Foreign Priority Date	08/24/2007
Word Mark	BBH		

Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: Printed publications, namely, newsletters, magazines, periodicals, books, catalogues, manuals, and instructional and teaching materials, all in the fields of advertising and marketing consultancy; advertising story boards made from paper or cardboard, comic strips and comic books, pens, pencils, markers and crayons, cases for pens, pencils, markers and crayons, photographs and prints, printed name and address stamps and ink pads, memo and notice boards, decalcomanias and stickers, postcards, paper coasters, book plates and book marks, and paper gift bags, all in the fields of advertising and marketing consultancy</p> <p>Class 035. First use: Advertising and promotional services, marketing services, public relations services, sales promotion services, production of television, film and radio commercials, planning, buying and negotiating advertising space, commercial information agency services, marketing study services, opinion polling, publication of publicity texts, provision of radio and television advertising services for others, sales promotion for others, and organization of exhibitions for commercial or advertising purposes, all in the fields of advertising and marketing consultancy; and information and advisory services associated with the aforesaid services</p> <p>Class 041. First use: Publication and online electronic publishing of texts and books in the fields of advertising, marketing and public relations consultancy; arranging and conducting seminars for instructional purposes in the fields of advertising, marketing and public relations consultancy; providing online, non-downloadable electronic publications in the nature of books, newsletters, magazines, periodicals and catalogues, all in the field of advertising; organization of sporting and entertainment competitions, film production; presentation of live show performances; providing facilities for recreation activities; entertainment, namely, production of television programs; production of television programs and radio programs, organization of exhibitions for cultural or educational purposes in the fields of advertising; marketing and public relations consultancy; production of advertising matter and commercials</p>		

U.S. Registration No.	3282332	Application Date	01/14/2004
Registration Date	08/21/2007	Foreign Priority Date	NONE
Word Mark	BBH		

Design Mark	
Description of Mark	The circles are the color red, the letters BBH are the color white and the sheep is the color black.
Goods/Services	Class 035. First use: Advertising and promotional services; marketing services; public relations services; sales promotion services; market research and consulting; production of television and radio commercials; planning, buying and negotiating advertising space for others; commercial information agency services; economic forecasting; business inquiry and investigations; marketing study services; opinion polling; publication of publicity texts; radio and television advertising; sales promotion for others; organization of exhibitions for commercial or advertising purposes; information and advisory services all related to the aforesaid services

Attachments	79048427#TMSN.jpeg (1 page)(bytes) 78351710#TMSN.jpeg (1 page)(bytes) NOO BGH (Serial No. 85434348).pdf (4 pages)(240938 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Jeffrey C. Katz/
Name	Jeffrey C. Katz
Date	09/10/2012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Ser. No. 85/434348

Published 03/13/2012

BBH Partners LLP,

Opposer,

-v-

Edward Hall,

Applicant.

Opposition No.

NOTICE OF OPPOSITION

BBH Partners LLP (“BBH” or Opposer”), believes that it will be damaged by registration of the mark shown in Serial No. 85/434348, and pursuant to previously granted extensions of time, hereby opposes same on the following grounds:

1. Opposer is a Partnership organized under the laws of the United Kingdom.
2. Opposer, or its predecessor in interest, has continuously used the name, trademark and service mark “BBH” in commerce in connection with a wide range of advertising, marketing, promotion and related services.
3. As a result of extensive use, publicity and promotion, Opposer has developed an extremely valuable good will and reputation in the name and mark BBH in connection with the aforesaid services.

4. Opposer is the owner of U.S. Patent and Trademark Office ("USPTO") Registration No. 3933718 for the mark BBH, registered March 22, 2011, for goods and services in Classes 16, 35 and 41.

5. Opposer is also the owner of USPTO Registration No. 3282332 for BBH & Design registered August 21, 2007, for services in Class 35.

6. Applicant's mark BGH is substantially similar to Opposer's aforesaid BBH name and marks.

7. The services under the mark BGH as set forth in the application herein opposed are substantially identical to the services of Opposer under the BBH mark.

8. Opposer's first use dates, filing dates and registration dates for BBH predate Applicant's filing date for BGH, or any other date upon which Applicant is permitted to rely.

9. In view of the foregoing, Applicant's use of the mark BGH in connection with the indicated services is likely to cause confusion or mistake as to whether Applicant is in some way affiliated or otherwise connected with Opposer.

10. Applicant's Mark is also likely to cause dilution of the distinctive quality of Opposer's BBH mark under 15 U.S.C. § 1125(c).

11. By reason of the foregoing, the granting of a certificate of registration to Applicant would damage Opposer.

WHEREFORE, Opposer prays that said Application Serial No. 85/434348 be rejected and that registration of the mark therein shown be denied.

Please debit the amount of \$300 and any other relevant fees, from the Deposit
Account No. 502293 of Opposer's counsel.

Dated: September 10 2012

Respectfully submitted,

DAVIS & GILBERT LLP

By


Jeffrey C. Katz

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New York, New York 10019
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Attorneys for Opposer
NY State Bar Member

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on September 10, 2012, the foregoing Notice of Opposition was served via first-class mail upon Applicant's counsel at the following address:

P. Scott Smith, Esq.
Thorpe North & Western, LLP
8180 S. 700 E.
Suite 350
Sandy, UT 84070

DAVIS & GILBERT LLP

By: 

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